



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,810	08/14/2000	Yaron Ruziak	22350/14	9562

7590

05/07/2004

Michael J Berger
Amster Rothstein 7 Ebenstein
90 Park Avenue
New York, NY 10016

EXAMINER

HSU, ALPUS

ART UNIT	PAPER NUMBER
----------	--------------

2665

DATE MAILED: 05/07/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/638,810

Applicant(s)

RUZIAK, YARON

Examiner

Alpus H. Hsu

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2665

1. Claims 1, 2, 5-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 8 and 9 of U.S. Patent No. 6,256,296 in view of GULICK et al. in U.S. Patent No. 5,758,177.

By interpreting the telephone line in U.S. Patent No. 6,256,296 as the claimed communication line of the instant application and combine with the universal serial bus (USB) in GULICK et al. replacing the claimed modem of U.S. Patent No. 6,256,296, it would have been obvious to one of ordinary skill in the art at the time of invention to make the same invention as claimed in claims 1, 2, 5-11 since it is well known in the art and a common practice for one of ordinary skill in the art to use modem or USB alternatively for computer related data communication.

2. Claims 3, 4, 13 and 20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,256,296 in view of YOUNG in U.S. Patent No. 5,721,659.

By interpreting the wireless communications link in U.S. Patent No. 6,256,296 as the claimed wireless communication adapter of the instant application and combine with the uses of cable television line (CTL) or alternating current (AC) power line with line modem in YOUNG replacing the claimed telephone line of U.S. Patent No. 6,256,296, it would have been obvious to one of ordinary skill in the art at the time of invention to make the same invention as claimed in claims 3, 4, 13 and 20 since it is also well known in the art and a common practice for one of ordinary skill in the art to use telephone line, or cable television line (CTL) or alternating current (AC) power line with line modem as alternative communication medium to provide bi-directional data communication.

Art Unit: 2665

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 12-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 3, claim 19, lines 5-6, each occurrence of the term "said communications link" lacks antecedent basis.

Claims 13-18, 20-25 are rejected for the same reasoning as in claims 12 and 19.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 16-19, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEGEV in U.S. Patent No. 5,566,022 (cited by the applicant) in view of YOUNG in U.S. Patent No. 5,721,659.

Art Unit: 2665

Referring to claim 12, SEGEV discloses an infrared communication system, providing a wireless communication adapter between a communication line connector (TS1, TS2) and at least one audio-visual device (col. 2, lines 62-65), providing a communication line side connector (6), a communication line side infrared transmitter and receiver for transmitting and receiving diffuse infrared radiation corresponding to the data communication (col. 4, lines 47-51, col. 5, lines 37-43). SEGEV differs from the claim in that it does not teach a specific cable television line, including a specific cable television line connector, for providing bi-directional audio-visual data communication as claimed. However, SEGEV does disclose that the data communication through the line connector may be by wire, IR, RF, ultrasonic etc., links (col. 4, lines 56-57). It is well known in the art and commonly applied in communications field to use a cable television line, for providing bi-directional audio-visual data communication between CATV network and audio-visual device. YOUNG, for example, from the similar field of endeavor, discloses the use of specific cable television line, including a specific cable television line connector, for providing bi-directional audio-visual data communication (col. 2, lines 52-64, col. 5, lines 10-15) as claimed. One skilled in the art would have recognized the advantage of utilizing CATV wire for increasing the communication bandwidth of data communication. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of a cable television line for providing bi-directional audio-visual data communication between CATV network and audio-visual device in YOUNG into the system of SEGEV to achieve the advantage of increasing the communication bandwidth for the purpose of improving the quality of data communication.

Art Unit: 2665

Referring to claim 16, SEGEV in view of YOUNG discloses the unitary housing enclosing the CATV line connector, infrared transmitter and infrared receiver (figure 3 in YOUNG).

Referring to claim 17, SEGEV in view of YOUNG discloses the at least one audio-visual device comprises a computer (col. 2, lines 60-65 in SEGEV).

Referring to claim 18, SEGEV in view of YOUNG discloses the data communication being full-duplex communication (col. 11, lines 38-42 in SEGEV).

Referring to claim 19, SEGEV discloses an infrared communication system, providing a wireless communication adapter between a communication line connector (TS1, TS2) and at least one audio-visual device (col. 2, lines 62-65), providing a communication line side connector (6), a communication line side infrared transmitter and receiver for transmitting and receiving diffuse infrared radiation corresponding to the data communication (col. 4, lines 47-51, col. 5, lines 37-43). SEGEV differs from the claim in that it does not teach a specific alternating current (AC) power line, including a specific AC power line connector and a line modem, for providing bi-directional audio-visual data communication as claimed. However, SEGEV does disclose that the data communication through the line connector may be by wire, IR, RF, ultrasonic etc., links (col. 4, lines 56-57). It is also well known in the art and commonly applied in communications field to use an AC power line with a line modem, for providing bi-directional audio-visual data communication between AC power line and audio-visual device. YOUNG, for example, from the similar field of endeavor, discloses the use of AC power line, including a specific AC power line connector and a line modem (not shown), for providing bi-directional audio-visual data communication (col. 2, lines 52-64, col. 5, lines 10-15) as claimed. One

Art Unit: 2665

skilled in the art would have recognized the advantage of utilizing AC power line with line modem for increasing the protection of electrical or electronic devices. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of an AC power line with line modem for providing bi-directional audio-visual data communication between external network connecting to the AC power line and audio-visual device in YOUNG into the system of SEGEV to achieve the advantage of increasing the protection of electrical or electronic devices for the purpose of minimizing the cost of repairing the damage of the communication devices.

Referring to claim 23, SEGEV in view of YOUNG discloses the unitary housing enclosing the AC power line connector with line modem (not shown), infrared transmitter and infrared receiver (figure 3 in YOUNG).

Referring to claim 24, SEGEV in view of YOUNG discloses the at least one audio-visual device comprises a computer (col. 2, lines 60-65 in SEGEV).

Referring to claim 25, SEGEV in view of YOUNG discloses the data communication being full-duplex communication (col. 11, lines 38-42 in SEGEV).

7. Claims 14, 15, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEGEV in U.S. Patent No. 5,566,022 (cited by the applicant) in view of YOUNG in U.S. Patent No. 5,721,659 as applied to claims 12 and 19 above, and further in view of MARSH et al. in U.S. Patent No. 5,999,167.

Referring to claims 14, 15, 21 and 22, the system provided from the teaching of SEGEV in view of YOUNG fails to disclose the at least one audio-visual device being a television and the data communication being communication of television information over the internet, which

Art Unit: 2665

is well known in the art and commonly applied in data communications field. MARSH et al., for example, from the similar field of endeavor, discloses the feature of Web-enabled television, providing at least one audio-visual device being a television and the data communication being communication of television information over the internet. One skilled in the art would have recognized the advantage of utilizing Web-enabled television to provide the direct interaction between the subscribers and the communication network. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate Web-enabled television feature of MARSH et al. into the system provided from the teaching of SEGEV in view of YOUNG to achieve the advantage of providing direct interaction between the subscribers and the communication network for the purpose of providing speedy and effective services to the customers.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over SEGEV in U.S. Patent No. 5,566,022 (cited by the applicant) in view of GULICK et al. in U.S. Patent No. 5,758,177.

Referring to claim 26, SEGEV discloses an infrared communication method, for providing a wireless communication between a communication line and at least one audio-visual device, comprising exchanging audio-visual data in a bi-directional manner, using diffuse infrared radiation between an infrared unit coupled to the communication line and an infrared unit coupled to the at least one audio-visual device (col. 2, lines 62-65, col. 4, lines 47-51, col. 5, lines 37-43). SEGEV differs from the claim in that it does not teach a specific universal serial bus (USB), for coupling the infrared unit to the at least one audio-visual device as claimed. However, it is well known in the art and commonly applied in communications field to use a

Art Unit: 2665

specific USB line for coupling communication device to audio-visual device for providing bi-directional audio-visual data communication. GULICK et al., for example, from the similar field of endeavor, discloses the use of a specific USB line for coupling communication device to audio-visual device for providing bi-directional audio-visual data communication (col. 6, lines 59-66) as claimed. One skilled in the art would have recognized the advantage of utilizing a specific USB line for increasing the communication bandwidth of data communication.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of a specific USB line in GULICK et al., to couple the infrared unit to the at least one audio-visual device in the system of SEGEV to achieve the advantage of low cost data communication in computer related application.

9. Claims 27-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEGEV in U.S. Patent No. 5,566,022 (cited by the applicant) in view of GULICK et al. in U.S. Patent No. 5,758,177 as applied to claim 26 above, and further in view of YOUNG in U.S. Patent No. 5,721,659.

Referring to claims 27-29, the method provided from the teaching of SEGEV in view of GULICK et al. does not teach a specific telephone line, cable television line or AC power line, for providing bi-directional audio-visual data communication as claimed. However, SEGEV does disclose that the data communication through the line connector may be by wire, IR, RF, ultrasonic etc., links (col. 4, lines 56-57). It is well known in the art and commonly applied in communications field to use a telephone line, cable television line or AC power line, for providing bi-directional audio-visual data communication between external network and audio-visual device. YOUNG, for example, from the similar field of endeavor, discloses the use of

Art Unit: 2665

specific telephone line, cable television line or AC power line, for providing bi-directional audio-visual data communication (col. 2, lines 52-64, col. 5, lines 10-15) as claimed. One skilled in the art would have recognized the advantage of utilizing telephone wire, CATV wire or AC power line for increasing the flexibility of data communication medium. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of a telephone line, cable television line or AC power line for providing bi-directional audio-visual data communication between external network and audio-visual device in YOUNG into the method of SEGEV in view of GULICK et al. to achieve the advantage of increasing the flexibility of data communication medium for the purpose of improving the data communication capability.

Referring to claim 31, SEGEV in view of GULICK et al. discloses the data communication being full-duplex communication (col. 11, lines 38-42 in SEGEV).

10. Claim 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEGEV in U.S. Patent No. 5,566,022 (cited by the applicant) in view of GULICK et al. in U.S. Patent No. 5,758,177 as applied to claim 26 above, and further in view of MARSH et al. in U.S. Patent No. 5,999,167.

Referring to claim 30, the method provided from the teaching of SEGEV in view of GULICK et al. fails to disclose the data communication being communication of television information over the internet, which is well known in the art and commonly applied in data communications field. MARSH et al., for example, from the similar field of endeavor, discloses the feature of Web-enabled television, providing data communication being communication of television information over the internet. One skilled in the art would have recognized the

Art Unit: 2665

advantage of utilizing Web-enabled television to provide the direct interaction between the subscribers and the communication network. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate Web-enabled television feature of MARSH et al. into the method provided from the teaching of SEGEV in view of GULICK et al. to achieve the advantage of providing direct interaction between the subscribers and the communication network for the purpose of providing speedy and effective services to the customers.

11. Claims 32, 34, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEGEV in U.S. Patent No. 5,566,022 (cited by the applicant) in view of YOUNG in U.S. Patent No. 5,721,659.

Referring to claims 32 and 35, the method provided by SEGEV does not teach a specific cable television line or AC power line, for providing bi-directional audio-visual data communication as claimed. However, SEGEV does disclose that the data communication through the line connector may be by wire, IR, RF, ultrasonic etc., links (col. 4, lines 56-57). It is well known in the art and commonly applied in communications field to use a cable television line or AC power line, for providing bi-directional audio-visual data communication between external network and audio-visual device. YOUNG, for example, from the similar field of endeavor, discloses the use of specific cable television line or AC power line, for providing bi-directional audio-visual data communication (col. 2, lines 52-64, col. 5, lines 10-15) as claimed. One skilled in the art would have recognized the advantage of utilizing CATV wire or AC power line for increasing the flexibility of data communication medium. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the

Art Unit: 2665

use of a cable television line or AC power line for providing bi-directional audio-visual data communication between external network and audio-visual device in YOUNG into the method of SEGEV to achieve the advantage of increasing the flexibility of data communication medium for the purpose of improving the data communication capability.

Referring to claims 34 and 37, SEGEV in view of YOUNG discloses the data communication being full-duplex communication (col. 11, lines 38-42 in SEGEV).

12. Claims 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEGEV in U.S. Patent No. 5,566,022 (cited by the applicant) in view of YOUNG in U.S. Patent No. 5,721,659 as applied to claims 32 and 35 above, and further in view of MARSH et al. in U.S. Patent No. 5,999,167.

Referring to claims 33 and 36, the method provided from the teaching of SEGEV in view of YOUNG fails to disclose the data communication being communication of television information over the internet, which is well known in the art and commonly applied in data communications field. MARSH et al., for example, from the similar field of endeavor, discloses the feature of Web-enabled television, providing data communication being communication of television information over the internet. One skilled in the art would have recognized the advantage of utilizing Web-enabled television to provide the direct interaction between the subscribers and the communication network. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate Web-enabled television feature of MARSH et al. into the method provided from the teaching of SEGEV in view of YOUNG to achieve the advantage of providing direct interaction between the subscribers and the

Art Unit: 2665

communication network for the purpose of providing speedy and effective services to the customers.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

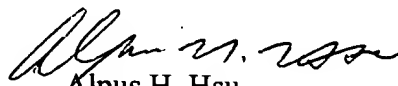
Haroun et al., Crimmins et al., Kuo and Brusky et al. are all cited to show the common feature of wireless infrared communication utilizing infrared transceivers similar to the claimed invention.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (703)305-4377. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH


Alpus H. Hsu
Primary Examiner
Art Unit 2665